

**United States District Court
for the District of Massachusetts
Report on Offender Under Supervision**

Name of Offender: Brian Sturdivant**Case Number:** 12-CR-10107**Name of Sentencing Judicial Officer:** Honorable D. Brock Hornby, U.S. District Judge, District of Maine**Name of Assigned Judicial Officer:** To be determined**Date of Original Sentence:** 5/25/07**Original Offense:** Possess with Intent to Distribute More Than Five Grams of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B) (three counts)**Original Sentence:** 108 months' custody, followed by 5 years' supervised release**Date of 1st Sentence Modification:** 5/16/08**1st Modified Sentence:** 87 months' custody, followed by 5 years' supervised release**Date of 2nd Sentence Modification:** 11/1/11**2nd Modified Sentence:** 60 months' custody, followed by 5 years' supervised release**Type of Supervision:** Supervised Release**Date Supervision Commenced:** 11/1/11

NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
--------------------------------	---------------------------------------

I	<p><u>Violation of Standard Condition #7:</u> The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.</p> <p>On 4/18/13, Brian Sturdivant provided a urine sample for drug testing. Laboratory analysis of that sample revealed that it was positive for marijuana. This was Mr. Sturdivant's second positive drug test for marijuana.</p>
----------	---

U.S. Probation Officer Action: As the Court is aware, Mr. Sturdivant's first positive drug test was on 3/5/13. As a consequence, Mr. Sturdivant was enrolled in a random drug testing program. The 4/18/13 drug test was Mr. Sturdivant's first drug test since he was enrolled in the random drug testing program. On 5/1/13, the probation officer confronted Mr. Sturdivant with the positive drug test result. As a controlling intervention, the probation officer advised Mr. Sturdivant that the Court would be notified of the noncompliance. As a corrective intervention, Mr. Sturdivant is being referred for biweekly group substance abuse treatment.

The Probation Office notes that, aside from these two positive drug tests for marijuana, Mr. Sturdivant has been

**Report on Offender
Under Supervision**

compliant and has made some positive steps toward a successful re-entry. While Mr. Sturdivant's relapse is concerning, it is anticipated that his involvement in a drug treatment program will give him the tools he needs to return to his positive track and to deal with stress and adversity in a healthier manner. Given Mr. Sturdivant's otherwise positive adjustment to supervision, the Probation Office respectfully suggests that the interventions utilized thus far are sufficient, and no formal judicial action is requested. If the Court concurs, it is requested that Your Honor so indicate in the space provided below.

Reviewed/Approved by:

/s/ Joseph LaFratta
Joseph LaFratta
Supervising U.S. Probation Officer

Respectfully submitted,

By /s/ Brett Wingard
Brett Wingard
U.S. Probation Officer
Date: 5/3/13

- ☐ Approved
- ☐ Submit a Request for Modifying the Conditions or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☐ Other

Signature of Judicial Officer

Date
